

REMARKS

In addition to the above requested amendments, Applicants submit the remarks below. Applicants respectfully request reconsideration and allowance of the remaining claims in light of these amendments and remarks. Applicants also would like to thank Examiner Collins and Primary Examiner Bui for taking time to discuss this case in a telephone interview on June 5, 2003.

Applicants have cancelled Claims 41, 45, 55, 58, and 62 without prejudice or disclaimer. Applicants also have amended Claims 42-44, 46-54, 56, 57, 59-61, and 63. No new matter is contained in the amended claims. Claims 42-44, 46-54, 56, 57, 59-61, and 63 remain pending for examination.

I. Rejections under 35 U.S.C. § 112, first paragraph

The Office Action rejected Claims 41, 58, and 47-51 as dependent therefrom, under 35 U.S.C. § 112, first paragraph, as containing subject matter that is not described in such a manner that would reasonably convey to one skilled in the art that the inventors had possession of the invention at the time the application was filed.

Applicants respectfully submit that these rejections are mooted by the Applicants' cancellation of Claims 41 and 58, and the amendments of Claims 47-51. Therefore, Applicants respectfully request that the rejections with respect to the written description requirement be withdrawn.

The Office Action rejected Claims 41-63 under 35 U.S.C. § 112, first paragraph, as not enabling one skilled in the art to make or use the invention commensurate in scope with the claims. The Office Action noted that the specification is enabling for a transgenic plant transformed with the elected nucleic acid of SEQ ID NO:9 encoding the polypeptide of SEQ ID NO:14, said plant exhibiting increased tolerance to drought and freezing stress. The Office Action also noted that the specification is enabling for a transgenic plant transformed with a nucleic acid that specifically hybridizes to the complement of SEQ ID NO:9, said plant exhibiting